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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,184	10/24/2001	Nikolai K.N. Leung	020046	7249

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Qualcomm Incorporated  
Patents Department  
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EXAMINER

LE, DANH C

ART UNIT PAPER NUMBER

2683

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/038,184

Applicant(s)

LEUNG, NIKOLAI K.N.

Examiner

DANH C LE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/27/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16,22-37 and 43-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16,22-37 and 43-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/25/02, 2/9/03, 9/2/03</u> | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of claims 1-16, 22-37 and 43-46 in the reply filed on 12/27/04 is acknowledged.

***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 3/25/02, 2/9/03 have been considered by the examiner and made of record in the application file.

***Claim Rejections - 35 USC § 102***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 3, 6, 9, 10, 13, 16, 22-24, 27, 30, 31, 34, 37, 43-46 are rejected under 35 U.S.C. 103(e) as being unpatentable over Li (US 2002/0031107).**

As to claim 1, Li teaches a method for re-synchronization in a communication system (figure 7 and paragraph 0087-0090), the method comprising:

detecting at a physical layer a need for handoff; and  
notifying higher layer about said detected need for handoff.

As to claim 2, Li teaches the method as claimed in claim 1 (figure 6A-6C), further comprising:

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determining parameters for processing a second broadcast channel transmitted from a second terminal;

terminating processing of a first broadcast channel transmitted from a first terminal; and

beginning processing of the second broadcast channel in accordance with said determined parameters.

As to claim 3, Li teaches the method as claimed in claim 2 (figure 6A-6C), further comprises:

adjusting outputting of a processed first broadcast channel transmitted from a first terminal in response to said beginning processing of the second broadcast channel.

As to claim 6, Li teaches the method as claimed in claim 2, wherein said terminating processing of a first broadcast channel comprises:

terminating processing of a first broadcast channel upon synchronizing the first broadcast channel and the second broadcast channel (figure 6A-6C).

As to claim 9, Li teaches a method for re-synchronization in a communication system (figure 6A-6C), the method comprising:

processing a first broadcast channel transmitted from a first terminal;

determining parameters for processing a second broadcast channel transmitted from a second terminal;

terminating processing of the first broadcast channel; and

beginning processing of the second broadcast channel in accordance with said determined Parameters.

As to claim 10, the limitation of the claim is the same limitation of claim 3; therefore, the claim is interpreted and rejected as set forth as claim 3.

As to claim 13, the limitation of the claim is the same limitation of claim 6; therefore, the claim is interpreted and rejected as set forth as claim 6.

As to claim 16, Li teaches the method as in claim 9, further comprising detecting at a physical layer a need for a handoff and notifying higher layer about said detected need for handoff (figure 7).

As to claim 22, the claim is a mean for claim of claim 1; therefore, claim is interpreted and rejected as set forth as claim 1.

As to claim 23, the claim is a mean for claim of claim 2; therefore, claim is interpreted and rejected as set forth as claim 2.

As to claim 24, the claim is a mean for claim of claim 3; therefore, claim is interpreted and rejected as set forth as claim 3.

As to claim 27, the claim is a mean for claim of claim 6; therefore, claim is interpreted and rejected as set forth as claim 6.

As to claim 30, the claim is a mean for claim of claim 9; therefore, claim is interpreted and rejected as set forth as claim 9.

As to claim 31, the claim is a mean for claim of claim 10; therefore, claim is interpreted and rejected as set forth as claim 10.

As to claim 34, the claim is a mean for claim of claim 13; therefore, claim is interpreted and rejected as set forth as claim 13.

As to claim 37, the claim is a mean for claim of claim 16; therefore, claim is interpreted and rejected as set forth as claim 16.

As to claim 43, the claim is an apparatus claim of claim 1; therefore, the claim is interpreted and rejected as set forth as claim 1.

As to claim 44, Li teaches the apparatus of claim 43, the device communicatively completed to the memory and capable of performing digital signal processing further includes initiating re-synchronization in accordance with said notifying (figure 7).

As to claim 45, the claim is an apparatus claim of claim 2; therefore, the claim is interpreted and rejected as set forth as claim 2.

As to claim 46, the claim is an apparatus claim of claim 9; therefore, the claim is interpreted and rejected as set forth as claim 9.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**4. Claims 4, 5, 11, 12, 25, 26, 32, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view of Periyalwar (US 6,018,662).**

As to claims 4 and 5, Li teaches the method as claimed in claim 3, Li fails to teach adjusting outputting comprises reducing or increase a rate of outputting the processed first broadcast channel.

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Periyalwar teaches the adjusting outputting comprises reducing or increase a rate of outputting the processed first broadcast channel (col.2, line 61-col.3, line 11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Periyalwar into the system of Li in order to optimize bandwidth utilization during the handoff.

As to claims 11 and 12, the limitations of the claims are the same limitation of claims 4 and 5; therefore, the claims are interpreted and rejected as set forth as claims 4 and 5.

As to claims 25 and 26, the limitations of the claims are the same limitation of claims 4 and 5; therefore, the claims are interpreted and rejected as set forth as claims 4 and 5.

As to claims 32 and 33, the limitations of the claims are the same limitation of claims 11 and 12; therefore, the claims are interpreted and rejected as set forth as claims 11 and 12.

**5. Claims 7, 8, 14, 15, 28, 29, 35, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view of Sato (US 2002/0031125).**

As to claims 7 and 8, Li teaches the method as in claim 6 wherein said synchronizing the first broadcast channel and the second broadcast channel. Li fails to teach identifying a common time stamp or a common sequence number in the first broadcast channel and the second broadcast channel. Sato teaches identifying a common time stamp or a common sequence number in the first broadcast channel and the second broadcast channel (paragraph 0010). Therefore, it would have been

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obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Sato into the system of Li in order to synchronize transmission of broadcast stream during the handoff.

As to claims 14 and 15, the limitations of the claims are the same limitation of claims 7 and 8; therefore, the claims are interpreted and rejected as set forth as claims 7 and 8.

As to claims 28 and 29, the limitations of the claims are the same limitation of claims 7 and 8; therefore, the claims are interpreted and rejected as set forth as claims 7 and 8.

As to claims 35 and 36, the limitations of the claims are the same limitation of claims 14 and 15; therefore, the claims are interpreted and rejected as set forth as claims 14 and 15.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Park et al (US 6,728,233) teaches processing packets data in mobile communication system.

B. Freeburg et al (US 6,570,856) teaches method of handover between base stations in a wireless communication system.

C. Anderson et al (US 2003/0012217) teaches channel type switching to a common channel base on common channel load.

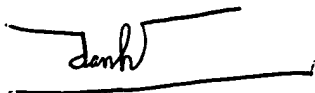


D. Tang et al (US 2002/0188753) teaches method and system for front end modular transmission control handoff design in a stream base transmission control protocol/internet protocol implementation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'danh', is written over a horizontal line.

May 13, 2005

DANH CONG LE  
PATENT EXAMINER